

# Laptop / GPS Checklist

Does an exclusion or exemption from U.S. export control regulations apply to my laptop, GPS or its operating software?

## SECTION A

Yes, an exclusion from U.S. export control regulations applies to my laptop, GPS and its operating software if:

### PUBLIC DOMAIN EXCLUSION

My software or technology falls under the public domain exclusion because:

YES	NO	
		It does not contain source code for >64-bit encryption software or mass market encryption products (see <a href="http://www.bis.doc.gov/index.php/policy-guidance/encryption">http://www.bis.doc.gov/index.php/policy-guidance/encryption</a> ); AND
		There is no reason to believe that the software or technology will be used in the development of a weapon of mass destruction; AND
		The underlying source code for the software or the schematics of the technology is already published via one or more of the following: <ul style="list-style-type: none"> <li>• Books, print, electronic or other media available for general distribution to any member of public;</li> <li>• Libraries open to the public, unrestricted subscriptions, news-stands or book stores;</li> <li>• Published patents;</li> <li>• Conferences, meetings, seminars or trade shows in the U.S. that are generally accessible to the public (even for a fee) and where attendees may take notes;</li> <li>• Websites available to the public free of charge or at a cost that does not exceed the cost of reproduction and distribution;</li> </ul> AND/OR <ul style="list-style-type: none"> <li>• General science, math or engineering courses commonly taught at a university and offered in course catalogues.</li> </ul>

You must answer "yes" to all three statements for the public domain exclusion to apply.

### FUNDAMENTAL RESEARCH EXCLUSION

My software or technology falls under the fundamental research exclusion because:

YES	NO	
		It does not contain source code for >64-bit encryption software or mass market encryption products (see <a href="http://www.bis.doc.gov/index.php/policy-guidance/encryption">http://www.bis.doc.gov/index.php/policy-guidance/encryption</a> ); AND
		There is no reason to believe that the software or technology will be used in the development of a weapon of mass destruction; AND
		The software or technology is the subject of basic or applied research in science and/or engineering at an accredited institution of higher learning in the United States; AND
		If my research is funded by the U.S. government, I have complied with specific national security controls agreed to, which may include prepublication review (Note: University policy generally prohibits such national security controls); AND
		No other restriction applies to the publication of underlying source code or technology schematics, other than limited prepublication reviews by research sponsors to prevent inadvertent divulging of proprietary information or to insure that publication will not compromise patent rights of the sponsor; AND
		The underlying source code or technology are ordinarily published and shared broadly in the scientific community, have been published, or are about to be published (please see the above list of the accepted means of publication under domain exclusion).

You must answer "yes" to all six statements for the fundamental research exclusion to apply.

## SECTION B

Yes, an exclusion from U.S. export control regulations applies to my laptop, GPS and its operating software if:

### BAGGAGE EXCEPTION

My software or technology falls under the baggage exception because:

YES NO

It does not contain source code for >64-bit encryption software or mass market encryption products (see <http://www.bis.doc.gov/index.php/policy-guidance/encryption>); AND

The equipment, software and technology is not on the [United States Munitions List \(USML\)](#) under the International Traffic in Arms Regulations – please carefully review Category XV if you are exporting GPS equipment.); AND

The equipment, software and technology will not be put to a military use OR used in outer space; AND

There is no reason to believe that my research could be used in the development of weapons of mass destruction; AND

Transfer of my laptop, GPS and its operating software to a foreign country or person falls under the baggage exception because:

I am leaving the United States temporarily (i.e., traveling) or longer-term (i.e., moving); AND

I, or a member of my immediate family, will use the item for personal use; AND

I plan to return to the United States with the item; AND

The item is a usual and reasonable kind and quantity of tool, instrument, or equipment for use in my trade, occupation, employment or vocation, AND

I own the item.

You must answer “yes” to all nine statements for the baggage exception to apply.

### TEMPORARY EXPORT EXCEPTION

My software or technology falls under the temporary export exception because:

YES NO

It does not contain source code for >64-bit encryption software or mass market encryption products (see <http://www.bis.doc.gov/index.php/policy-guidance/encryption>); AND

The equipment, software and technology is not on the [United States Munitions List \(USML\)](#) under the International Traffic in Arms Regulations – please carefully review Category XV if you are exporting GPS equipment.; AND

The equipment, software and technology will not be put to a military use OR used in outer space; AND

There is no reason to believe that my research could be used in the development of weapons of mass destruction; AND

Transfer of my laptop, GPS and its operating software to a foreign country or person falls under the temporary export exception because:

It will be returned to the U.S. within one year of its export date; AND

It is a “tool of the trade” because it is a usual and reasonable type of tool of trade for use in lawful research; AND

I will retain effective control over the laptop or GPS while abroad by retaining physical possession of the item or securing the item in an environment such as a hotel safe; AND

I will accompany the item abroad, or it will be shipped within one month before my departure, or at any time after my departure; AND

I am not exporting the item to Cuba, Syria, Sudan, North Korea or Iran [These are the EAR “E2” countries under Supplement No. 1 to Part 740.]; AND

I am not using this item in relation with any nuclear research.

You must answer “yes” to all 10 statements for the baggage exception to apply.

## SECTION C

MAYBE, U.S. export control licensing requirements may apply to export of my laptop, GPS or their operating software if neither part A nor part B above applies. I should seek more information.

## SECTION D

NO, I likely must seek an export control license if the laptop, GPS or their associated software is designed or modified for: a military use; OR use in outer space; OR there is reason to believe that my research could be used in the development of weapons of mass destruction.

If any of these statements applies, please contact Office of Research Compliance immediately for an analysis of whether an export license is required.